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09/737,888	12/15/2000	Peter A. Barany	NORT-0063-US(12789RRUS02U	1988

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,888

Applicant(s)

BARANY ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 2,4,6-19,21-28,31,32,34-37 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,9-11,31,32,34-37,39-40 and 43 is/are allowed.
- 6) ☒ Claim(s) 2,12-16,21,22,41,42 and 44 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8,17-19,23-28 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 12-16, 41, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasan (US 6,707,813) in view of Schuster (US 6,804,224).

Regarding claims 12, 14, 16, and 42, Hasan teaches a method of establishing a call in a wireless network (col. 2 lines 32-34).

Regarding claims 12, 14, 16, and 42, Hasan teaches sending a request for a packet-switched call (IP-based (3G.IP), col. 2 lines 32-34) over the wireless network (fig. 1A element 31, ARQ message, col. 5 lines 30-32).

Regarding claims 12, 14, 16, and 42, Hasan teaches communicating control signaling in the wireless network to

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establish the packet-switched call (ARQ message, col. 5 lines 30-32).

Regarding claim 12, Hasan teaches communicating the control signaling comprises communicating Session Initiation Protocol 'SIP' messages (col. 2 lines 37-39).

Regarding claim 14, Hasan teaches sending a release message to terminate the packet-switched call (DRQ, col. 6 lines 59-61).

Regarding claim 16, Hasan teaches sending quality-of-service related messages (Setup FAST Connect message, H.245 Open Logical Channel messages, col. 5 lines 53-60). Note, H.323v2 and H.323v1 provide different levels of service.

Regarding claim 42, Hasan teaches the control message adheres to a protocol for establishing a packet-switched call over an IP network (SIP, col. 2 lines 37-39).

Regarding claims 12, 14, 16, and 42, Hasan is silent on communicating the control signaling in a traffic channel of the wireless network.

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Schuster teaches communicating control signaling in a traffic channel of the wireless network (control signals formatted as data packets, col. 9 lines 31-33).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Hasan by transmitting control signaling over the data channel. This can be accomplished by transmitting the control data according to the TCP based H.245 standard or the UDP based RTP standard (col. 9 lines 37-41). This would improve the system since separate control channels do not need to be set up for the control signaling.

Regarding claim 13, communicating the control signaling comprises communicating a Session Initiation Protocol Invite request / Admission Request (Hasan: col. 5 lines 29-31).

Regarding claim 15, sending the release message comprises sending a Session Initiation Protocol Bye message / Disconnect Request (Hasan: col. 6 lines 59-61).

Regarding claim 41, Hasan teaches receiving control signaling to set up (ARQ message, CSCF1, col. 5 lines 30-32) a

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packet-switched call over the wireless network (IP-based (3G.IP), col. 2 lines 32-34).

Hasan teaches establishing the packet-switched call over the wireless network (bi-directional tunnel created, col. 6 lines 38-47).

Hasan teaches communicating bearer data in the first traffic channel (voice call from a first mobile station to a second (col. 1 lines 62-66).

Hasan is silent on communicating the control signaling carried in a first traffic channel.

Schuster teaches communicating control signaling in a traffic channel of the wireless network (control signals formatted as data packets, col. 9 lines 31-33).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Hasan by transmitting control signaling over the data channel. This can be accomplished by transmitting the control data according to the TCP based H.245 standard or the UDP based RTP standard (col. 9 lines 37-41). This would improve the system since separate control channels do not need to be set up for the control signaling.

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Regarding claim 44, the control message according to a protocol for establishing a packet-switched call over an IP network (Hasan: SIP, col. 2 lines 37-39).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hasan and Schuster as applied to claim 12 above, and further in view of Vedrine (US (6,898,194)).

Although Hasan teaches sending a request in a GPRS environment, the reference is silent on sending the request in a random access channel 'RACH'.

Vedrine teaches sending requests in a GPRS environment on the RACH control channel (col. 2 line 66 - col. 3 line 4).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination of Hasan and Schuster by sending the request on the RACH channel. This can be accomplished according to the teachings of Vedrine. This would improve the system since the RACH channel is a control channel used only on the uplink to request GPRS resources (col. 2 line 66 - col. 3 line 4).

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4. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen (US 6,167,248) in view of Schuster.

Regarding claim 22, Hamalainen teaches an article comprising one or more storage media containing instructions that when executed cause a controller (mobile, col. 11 lines 49-53) to: send control signaling to request a channel for a packet-switched call over a wireless network (RACH, col. 11 lines 49-53) and add a predetermined code into the control signaling to identify the call as a packet-switched call (first three bits, col. 11 lines 53-57).

Hamalainen fails to teach communicating packet-switched call control signaling in traffic channels over the wireless network.

Schuster teaches communicating packet-switched call control signaling in traffic channels over the wireless network (control signals formatted as data packets, col. 9 lines 31-33).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Hamalainen by transmitting control signaling over the data channel. This can be accomplished by transmitting the control data according to the TCP based H.245 standard or the UDP based RTP standard (col. 9 lines 37-41). This would improve the system since separate



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control channels do not need to be set up for the control signaling.

Regarding claim 21, the instructions cause the controller to send the control signaling selected from RACH, PRACH, CPRACH (Hamalainen: RACH, col. 11 lines 49-53).

***Allowable Subject Matter***

5. Claims 6, 9-11, 31, 32, 34-37, 39-40, and 43 are allowed.

6. Claims 3, 4, 7, 8, 17-19, 23-28, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 3, nothing in the prior art of the record teaches nor fairly suggests sending a predefined code in a random access channel of an EGPRS system, in combination with all the limitations listed in the claim.

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Regarding claims 6 and 45, nothing in the prior art of the record teaches nor fairly suggests the predetermined code comprises a mobile station code, in combination with all the limitations listed in the claim.

Regarding claims 7, 9, 18, 19, nothing in the prior art of the record teaches nor fairly suggests communicating control signaling in a packet data traffic signal 'PDTCH', in combination with all the limitations listed in the claim.

Regarding claim 17, nothing in the prior art of the record teaches nor fairly suggests the QoS related messages comprise Resource Reservation Protocol messages, in combination with all the limitations listed in the claim.

Regarding claim 23, nothing in the prior art of the record teaches nor fairly suggests the instructions cause the controller to communicate the packet-switched call control signaling by communicating SIP messages in traffic channels, in combination with all the limitations listed in the claim.

Regarding claim 31, nothing in the prior art of the record teaches nor fairly suggests the random access channel comprises

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a packet random access channel, the packet random access channel containing the predetermined code, in combination with all the limitations listed in the claim.

Regarding claim 34, nothing in the prior art of the record teaches nor fairly suggests the logical channel combination comprises TCH+FACCH+SACCH+PDTCH+PACCH+PTCCH, in combination with all the limitations listed in the claim.

Regarding claim 39, nothing in the prior art of the record teaches nor fairly suggests a second traffic channel, in combination with all the limitations listed in the claim.

#### ***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald

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Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ronald Abelson  
Examiner  
Art Unit 2666

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